

[Your Name/Law Firm]
[Your Address]
[City, State, Zip Code]
[Phone Number]
[Email Address]

[Date]

[Opposing Counsel Name]
[Law Firm Name]
[Address]
[City, State, Zip Code]

Re: [Case Name and Case Number] - Meet and Confer Regarding Third-Party Subpoena Protective Order Terms

Dear [Counsel Name]:

This letter follows our recent communications regarding the subpoena duces tecum served on [Third Party Name] on [Date]. As we discussed, [Third Party Name] has legitimate concerns regarding the disclosure of proprietary and confidential information and requires certain protections before production can occur.

Specifically, we propose the following modifications or additions to the existing [Stipulated Protective Order / Proposed Protective Order] to adequately protect the interests of the non-party:

- **"Attorneys' Eyes Only" Designation:** Inclusion of a "Highly Confidential - Attorneys' Eyes Only" tier for [Third Party Name]'s sensitive financial or trade secret data to prevent disclosure to the parties' employees or competitors.
- **Notification of Disclosure:** A requirement that the producing third party be notified immediately if any of its produced documents are subject to a further subpoena or court order in another matter.
- **Return or Destruction:** Explicit language ensuring that [Third Party Name]'s documents are destroyed or returned within [Number] days of the final termination of this litigation.
- **Inadvertent Disclosure (Clawback):** Enhanced clawback provisions for privileged materials inadvertently produced by the third party.

We believe these terms are reasonable and consistent with Rule [Insert Relevant Rule, e.g., FRCP 26 or 45] to avoid undue burden and protect non-party privacy. Please let us know by [Date/Time] if you agree to these terms so that we may submit a supplemental stipulation to the Court.

I am available to discuss these items further via telephone on [Date] at [Time]. I look forward to resolving this matter efficiently.

Sincerely,

[Your Signature]

[Your Printed Name]

cc: [Third Party Counsel, if applicable]